

Court No. - 34

Case :- WRIT - A No. - 20038 of 2023

Petitioner :- Vinay Kumar

Respondent :- State Of U.P. And 5 Others

Counsel for Petitioner :- Mahendra Pratap Singh, Vijay Gopal

Counsel for Respondent :- C.S.C.

Hon'ble Ajit Kumar,J.

Heard Sri Vijay Gopal, learned counsel for the petitioner and Sri Sushil Kumar Pal, learned Additional Chief Standing Counsel for the State respondents.

Petitioner is aggrieved by the transfer order dated 3rd July, 2023, whereby he has been transferred from one Halka to another Halka within the district and now he claims that he cannot be transferred on account of being elected office bearer of local union of employees' association.

Learned counsel for the petitioner does not dispute that petitioner has been continued to be elected for the last eight years as office bearer of the local union of employees' association.

Learned Additional Chief Standing Counsel submits that as per the transfer policy dated 7th June, 2023 an office bearer could take advantage to stay back at station for not more than two consecutive term as an office bearer because every office bearer is normally elected for one year and, therefore, two years exception from transfer is there.

Be that as it may, since now the petitioner has been transferred within the district from one Halka to another Halka and has been an office bearer for the last eight years, I do not find any justification to interfere with the transfer order.

However, in the event petitioner joins at the transferred place within a period of two weeks from today and then makes representation with the higher authority, namely, respondent No.- 5 within a further period of one week, the same shall be considered and disposed of by the authority within a further period of two

weeks by means of a reasoned and speaking order.

With the aforesaid observations and directions, this petition stands disposed of.

Order Date :- 11.12.2023

Atmesh